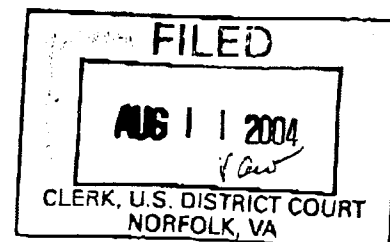


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**



YASER ESAM HAMDI,

Petitioner,

v.

CASE NO. 2:02CV439

DONALD RUMSFELD

Secretary of Defense

The Pentagon

Arlington, Va.,

COMMANDER C.T. HANFT,

Commander, Consolidated Naval Brig

1050 Remount Road

Charleston, South Carolina,

Respondents.

MOTION AND MEMORANDUM FOR LEAVE TO AMEND
HABEAS CORPUS PETITION

COMES NOW Petitioner Yaser Esam Hamdi ("Petitioner Hamdi"), by counsel, and moves, pursuant to Rule 15 of the Federal Rules of Civil Procedure, for leave to file the First Amended Petition for Writ of Habeas Corpus, attached hereto as Exhibit A.

As grounds for this Motion, Petitioner Hamdi states as follows:

1. Leave to amend is to be liberally granted. See Fed. R. Civ. P. 15(a); *Foman v. Davis*, 371 U.S. 178, 182 (1962) ; *Lone Star Steakhouse & Saloon, Inc. v. Alpha of Virginia, Inc.*, 43 F.3d 922, 940 (4th Cir. 1995).
2. The original Petition was prepared and filed while counsel was being denied

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access to Petitioner Hamdi;

3. Additional facts of potential relevance to the petition have occurred since the initial petition was filed; and

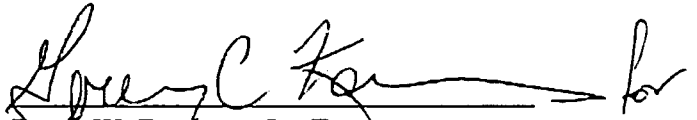
4. Petitioner Hamdi is now able to review and sign his own petition.

Dated: July 29, 2004

Respectfully submitted,

Yaser Esam Hamdi

By counsel,



Frank W. Durham, Jr., Esq.

Federal Defender

Jeremy C. Kamens

Assistant Federal Defender

1650 King Street, Suite 500

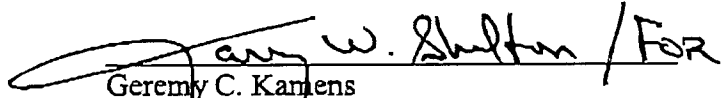
Alexandria, Virginia 22314

Phone: (703) 600-0800

Fax: (703) 600-0880

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was sent by first-class mail to Paul D. Clement, Esq., Acting Solicitor General, Department of Justice, Washington, D.C. 20530-2217, on this 11th day of August, 2004.


Jeremy C. Kamens
Assistant Federal Public Defender,
Eastern District of Virginia